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Written statement* submitted by the World Muslim Congress, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Restrictions on freedom of expression in Indian administered Jammu Kashmir

World Muslim Congress calls the attention of the UN Human Rights Council to the continuous deterioration of freedom of expression and other human rights in Indian administered Jammu and Kashmir. It has become a standard operating procedure for the authorities in Kashmir to suspend internet and telecommunication lines whenever they feel they want to contain public protests and criticism. The suspension deprives people of independent blogs, the online publication which is an important platform for discussions and also source of Information. The blockade also deprives the people from all forms of political mobilization, expressions of dissent and political opinions that criticize the Indian administration in Kashmir. The authorities in connivance with the Facebook administration censors posts of academics, Journalists, media organizations and common citizens about ongoing freedom struggle of Kashmir. People find their posts deleted without any warning or substantial explanation. Some even have their Facebook accounts deleted or suspended after posting about human rights violations perpetrated by the occupation forces, which is the flagrant violation of freedom of speech and expression.
During the year 2017, there were 39 instances of unreasonable curtailment and total suspension of telecommunication and internet rights which has seriously affected the freedom of opinion and expression pronounced in Article 19 of Universal Declaration of Human Rights (1948) which reads as "Everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinion without interference and to seek and receive and impart information and ideas through any media and regardless of frontiers"

For cursory glance few instances are given below, which are sufficient proof to establish how authorities deprive people of this priceless right of freedom of expression by way of a ban on internet and telecommunication lines:

- On 17 April 2017, prepaid mobile internet services were suspended again as videos of torture, and human rights violations by forces during the electoral process began to circulate through social media. Students across the ten districts of the Kashmir division held marches, strikes and protests against a violent raid on a college campus district Pulwama. Broadband and postpaid mobile internet users experienced extremely slow connections (with mobile internet users receiving on the 2G signal on their devices) and could not load popular social media pages. According to reports the private broadband services providers received unofficial orders to restrict access to particular media platforms

- On 26 April 2017, The Jammu and Kashmir government (Home Department) issued an official order [Government Order No: HOME/ISA/476 of 2017 dated 26/04/2017] blocking 22 social media sites and applications including Facebook, WhatsApp and Twitter in the Kashmir division on the public order grounds citing the Indian Telegraph Act, 1885 and rules (2007) for a period of 1 month until 26 May 2017.

- On 6 July 2017, an official communication was issued to all internet service providers by the Inspector General of Police, Kashmir Zone, Srinagar titled 'Block all social media sites via Lease Line' was issued which directed them to block all social media sites on lease [broadband] lines in the Kashmir division, "in view of the apprehension of misuse of internet services by anti-national elements

- On 26 December 2017 Government announced that the law enforcement agencies will monitor the social media activities of government employees and call for legal action against them if anything they post or share is against the state's interests. The order also states that their freedom of speech will be restricted if maintaining law and order outweighs that concern.

These communication gags are deliberately designed to obliterate people's right to assemble and protest peacefully to press their demand for freedom and rights including their promised right to Self-determination –an assurance given to them by UN Security Council more than seven decades ago.

UN Special Rapporteur on freedom of opinion and expression Mr. David Key termed these restrictions as collective punishment and regretted that Kashmiris were being treated differently than the rest of Indian. He rightly observed that Indian behavior in Kashmir was not in line with the democratic norms though she prides herself for being the largest democracy in the world.

Media reporting in Jammu Kashmir is not only difficult but herculean in presence of seven hundred thousand occupation troops, whose illegal and unlawful acts are roofed under draconian laws like Armed Force Special Powers Act. The impunity granted to them from prosecution encourages them to assault, kill and arrest those who cover the anti- India protests and report honestly about the prevailing situation in Kashmir. One can gauge the situation under which a Kashmiri journalist has to operate their professional responsibilities by various incidents that happened last year. In September, a Kashmiri photojournalist Kamran Yousuf was detained by National Investigation Agency (NIA) for his alleged involvement in 'stone pelting' incidents. The young journalist was in fact covering the incident but he has been charged with sedition charges. This year even a visiting French journalist was taken into custody by police for violating visa norms. However, a trial court in Srinagar acquitted the Journalist Comiti Paul Edward from charges of visa violation and directed the authorities to return the seized passport and other accessories to the journalist.

The state action was not only confined to print media but also against electronic media. On May 7, J&K government suspended the transmission of at least 34 TV channels, on the perception that "they have the potential to encourage violence and can disturb law and order situation in Kashmir, and are not permitted for transmission.

Freedom of expression protects not merely ideas that are accepted but those that offend shock or disturb the state or any sector of the population. Such are the demands of the pluralism, tolerance and broadmindedness without which there is no democratic society but in Indian administered Kashmir authorities have criminalized the dissent and trampled this important right. The large number of Political activists who dissent are being kept in "Preventive custody" under Public Safety Act(PSA), and presently more than 2000 detainees are languishing in different detention centers in order to stop them from circulation which has ultimately deprives them for the right to liberty and freedom of expression.

To keep the pro-freedom leader away from masses and deprive them of the right to liberty and freedom of expression, the unlawful practice of detaining leaders in their residences for several months and years together is being widely practiced by the authorities in Jammu Kashmir.

World Muslim Congress urges the UN Human Rights Council to press India to:

- Immediately release all those held in prison for exercising their rights to freedom of opinion and expression;
- End the frequent ban on internet ;
- End the prosecutions and detention of journalists simply on the basis of the content of their journalism;
- Permit the reopening and independent operation of closed media outlets (including banned TV channels) and halt executive interference with independent news organizations, including in relation to editorial decisions and editors, pressure and intimidation against critical news outlets and journalists;
- End the far-reaching crackdown on freedom of expression that has consistently escalated since August, 2016;
- Review the Anti-Terror Law so as to ensure that counter-terrorism measures are compatible with Article 19(3) of the ICCPR;